

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Anthony Ranier Hutchinson,)	
)	
Petitioner,)	C/A No.: 0:15-3646-GRA
)	
v.)	ORDER
)	(Written Opinion)
Warden B.J. Meek, <i>FCI Williamsburg</i>)	
)	
Respondent.)	
_____)	

This matter comes before this Court for review of United States Magistrate Judge Paige Gossett's Report and Recommendation made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(c) DSC, and filed on November 5, 2015. ECF No. 7.

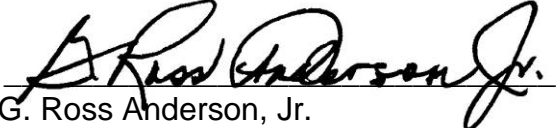
Petitioner Anthony Ranier Hutchinson ("Petitioner"), proceeding *pro se*, filed this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 on September 10, 2015. ECF No. 1. Magistrate Judge Gossett recommends that this Court dismiss the Petition without prejudice and without requiring Respondent to file a return. ECF No. 7 at 7. The Magistrate Judge's recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). In the absence of specific objections to the Report and Recommendation, this Court is

not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir.2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir.1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir.1984). In the present case, Petitioner filed no objections to the Report and Recommendation.

After a thorough review of the record, this Court concludes that the Magistrate Judge's Report and Recommendation accurately summarizes the case and the applicable law. Accordingly, the Report and Recommendation is accepted and adopted in its entirety.

IT IS THEREFORE ORDERED that the Petition for Writ of Habeas Corpus is DISMISSED without prejudice and without requiring Respondent to file a return.¹

IT IS SO ORDERED.


G. Ross Anderson, Jr.
Senior United States District Judge

¹ Additionally, the Court declines to issue a certificate of appealability, as Petitioner has not made a substantial showing of a denial of a constitutional right. 28 U.S.C. § 2253(c)(2); see *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (holding that, to satisfy § 2253(c), “a petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong.”).

December 2, 2015
Anderson, South Carolina